

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT E. LEE,	:	4:CV-05-0958
Plaintiff	:	(Judge McClure)
v.	:	(Magistrate Judge Smyser)
JO ANNE B. BARNHART,	:	
Commissioner of Social Security,	:	
Defendant	:	

O R D E R
December 20, 2005

BACKGROUND:

The plaintiff has brought this civil action under the authority of 42 U.S.C. § 405(g) to obtain judicial review of the decision of the Commissioner of Social Security denying the claim of the plaintiff for supplemental security income benefits.

The case was initially referred to United States Magistrate Judge J. Andrew Smyser.

On December 1, 2005, Magistrate Judge Smyser filed his ten-page report and recommendation which he concluded with the recommendation of a remand to the Commissioner.

No objections to the report and recommendation were filed by plaintiff,

which is understandable, as a remand favors the plaintiff. The Commissioner advised the court that she waives the opportunity to object to the report and recommendation.

The court agrees with the magistrate judge that a remand is appropriate under the circumstances.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The report and recommendation of United States Magistrate Judge J. Andrew Smyser (record document no. 8, filed December 1, 2005) is approved for all the reasons set forth therein.
2. The case is remanded to the Commissioner of Social Security for further proceedings consistent with the findings and recommendation of Magistrate Judge Smyser.
3. The clerk is directed to close the case file.

s/ James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge